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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/475,696	12/30/1999	DARRYL L. DEFREESE	A-6307	6730

5642 7590 03/09/2005

SCIENTIFIC-ATLANTA, INC.
INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

AKPATI, ODAICHE T

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 03/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/475,696	DEFRESE ET AL	
	Examiner	Art Unit	
	Tracey Akpati	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 65,66 and 68-84 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 65,66 and 68-84 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f):
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 65-66, 68-84 are pending. Claims 1-64 and 67 have been cancelled. Claims 65-66, 68, 70-71 have been amended. This action is final.

Response to Arguments

Applicant's arguments filed 11/05/2004 have been fully considered but they are not persuasive.

2. With respect to Claims 65, the rejection of the currently amended limitation has been updated as shown below. Hence arguments in regard to the newly amended limitation is moot.

3. *With respect to Claims 72 and 79, the attorney argues that Pinder fails to disclose providing an electronic program guide.* Pinder on column 31, lines 26-39 discloses this. The electronic program guide is represented by the broadcasted impulse per-per-view events (IPPV) and near video-on-demand (NVOD) events.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 65-66, 68-84 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pinder et al (6105134).

Claim 65: Pinder et al '134 meets the limitation of "receiving a stream of packets, the stream of packets including packets comprising the first service and entitlement control messages (ECMs) for the first service" on column 4, lines 26-29; and "determining a first entitlement unit number for the first service" is met on column 30, lines 28-35; and "determining whether the terminal is authorized to access the first service based upon the first entitlement unit number and an authorized entitlement unit number that is stored in a memory of the terminal" on column 30, lines 35-40; and "responsive to determining the terminal is not authorized, displaying a second service that is different from the first service" is met on column 4, lines 16-26, 33-36, 42-45, 54-58. The CATV company provides subscribers with a service such as the History channel. The service is broadcasted as encrypted data from the service provider. If the subscriber is authorized to watch a certain service channel, the set-top box decrypts that service and displays the decrypted service to the user. If the user is not authorized to watch that channel, the new service is not decrypted and hence the unencrypted channel is displayed to the user. This displayed service represents "the second service that is different from the first service."

It would have been obvious to one of ordinary skill in the art at the time of the invention to display a second service that is different from the first service because if the user tries to view a service that is unauthorized, an unencrypted service is displayed to the user. This unencrypted service is the service that is different from the previously encrypted or unencrypted service the user was viewing previously.

Art Unit: 2135

Claim 66: Pinder et al '134 meets the limitation of “parsing ECMs for the first service from the stream of packets; wherein each ECM includes a second entitlement unit number that is carried in the payload of the ECM” on column 4, lines 25-36; and “confirming that the terminal is authorized to access the first service based upon the second entitlement unit number and the authorized entitlement unit number” on column 30, lines 35-40; and “responsive to confirming that the terminal is authorized further including the steps of recovering control words from the received ECMs; decrypting the service using the recovered control words; and displaying the first service” on column 4, lines 45-59.

Claim 68: Pinder et al '134 meets the limitation of “wherein the second service is a predetermined service” on column 32, lines 1-14.

Claim 69: Pinder et al '134 meets the limitation of “wherein the predetermined service is a barker service” on column 32, lines 1-14.

Claim 70: Pinder et al '134 meets the limitation of “wherein the second service is a message” on column 32, lines 1-14.

Claim 71: Pinder et al '134 meets the limitation of “wherein the message instructs the user to select another service” on column 32, lines 1-14.

Art Unit: 2135

Claim 72: Pinder et al '134 meets the limitation of “associating services with entitlement unit numbers” on column 32, lines 49-50; and “providing the terminal with an electronic program guide that associates universal service identification numbers to services” on column 31, lines 26-43; and “providing the terminal with an entitlement unit table that translates universal service identification numbers to entitlement unit numbers” on column 31, lines 47-53; and providing the terminal with an authorized entitlement unit number, wherein responsive to the a user selecting a given service, the terminal determines whether the terminal is authorized to access the given service using the electronic program guide, the entitlement unit table, and the authorized entitlement unit number” on column 30, lines 35-48, column 31, lines 11-25. The electronic program guide is represented by the broadcasted impulse per-per-view events (IPPV) and near video-on-demand (NVOD) events.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the broadcasted IPPV and NVOD events represent the electronic program guide because both events are services which gives the user a list of events to select from, and allows the user to decide whether or not he/she would want to view it and what time he/she would want to watch that specific event.

Claim 73: Pinder et al '134 meets the limitation of “wherein the authorized entitlement unit number is provided to the terminal in an entitlement management message” on column 31, lines 11-25.

Art Unit: 2135

Claim 74: Pinder et al '134 meets the limitation of "wherein a given entitlement unit number is associated with a plurality of services" on column 30, lines 32-35.

Claim 75: Pinder et al '134 meets the limitation of "providing the terminal with a second authorized entitlement unit number, wherein the second authorized entitlement unit number is associated with a second group of services" on column 30, lines 32-35.

Claim 76: Pinder et al '134 meets the limitation of "wherein the given service is associated with both the first authorized entitlement unit number and the second authorized entitlement unit number" inherently on column 30, lines 56-67 and column 31, lines 1-25. The multiple entitlement unit numbers for a given service make it obvious to have two entitlement unit numbers associated with a given service.

Claim 77: Pinder et al '134 meets the limitation of "multiplexing entitlement control messages for a given service into the stream of packets" on column 7, lines 12-14. Demultiplexing of the control word contained in the ECM makes the multiplexing of the ECM obvious. Further limitation of "wherein each entitlement control message includes a second entitlement unit number, wherein the terminal confirms that the terminal is authorized to access the given service using the second entitlement unit number and the authorized entitlement unit number" is met on column 30, lines 35-48 and on column 31, lines 11-25.

Art Unit: 2135

Claim 78: Pinder et al '134 meets the limitation of "wherein the entitlement control messages includes a plurality of entitlement unit numbers" on column 30, lines 26-48.

Claim 79: Pinder et al '134 meets the limitation of "receiving an electronic program guide that associates universal service identification numbers to services" on column 31, lines 26-43; and "receiving an entitlement unit table that translates universal service identification numbers to entitlement unit numbers" on column 31, lines 47-53; and "receiving an authorized entitlement unit number; receiving user input for a given service; determining whether the terminal is authorized to access the given service using the electronic program guide, the entitlement unit table, and the authorized entitlement unit number" on column 30, lines 35-48 and column 31, lines 11-25. The electronic program guide is represented by the broadcasted impulse per-per-view events (IPPV) and near video-on-demand (NVOD) events.

It would have been obvious to one of ordinary skill in the art at the time of the invention to have the broadcasted IPPV and NVOD events represent the electronic program guide because both events are services which gives the user a list of events to select from, and allows the user to decide whether or not he/she would want to view it and what time he/she would want to watch that specific event.

Claim 80: Pinder et al '134 meets the limitation of "wherein the authorized entitlement unit number is carried in an entitlement management message" on column 30, lines 57-58.

Claim 81: Pinder et al '134 meets the limitation of "storing the authorized entitlement unit number in a memory" is met on Fig. 17 and column 31, lines 65-67 and on column 32, lines 14-16.

Claim 82: Pinder et al '134 meets the limitation of wherein the memory is included in a secure microprocessor having input/output terminals, and the secure microprocessor is characterized by the memory being unobservable at the input/output terminals" on Fig. 1 and 12.

Claim 83: Pinder et al '134 meets the limitation of "receiving a stream of packets, the stream of packets including packets comprising the given service and entitlement control messages (ECMs) for the given service" on column 4, lines 26-29; and "parsing ECMs for the given service from the stream of packets, wherein each ECM includes an entitlement unit number that is carried in the payload of the ECM" on column 4, lines 25-36 and on column 30, lines 28-32; and "confirming that the terminal is authorized to access the given service based upon the entitlement unit number and the authorized entitlement unit number" on column 30, lines 35-40; and "recovering control words from the received ECMs; decrypting the given service using the recovered control words; and displaying the given service" on column 4, lines 45-59.

Claim 84: Pinder et al '134 meets the limitation of "comparing each of entitlement unit numbers with the authorized entitlement unit number until one of the entitlement unit numbers matches the authorized entitlement unit number, wherein the terminal is authorized to access the given service if there is a match" on column 30, lines 35-40.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

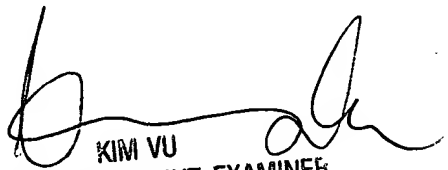
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tracey Akpati whose telephone number is 571-272-3846. The examiner can normally be reached on 8.30am-6.00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

OTA


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